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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,980	08/30/2001	Kenichi Kawarai	100794-11771(FUJG 18.948)	7689
26304	7590	06/13/2005		EXAMINER
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			HUYNH, KIM T	
			ART UNIT	PAPER NUMBER
			2112	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/942,980 Examiner Kim T. Huynh	KAWARAI ET AL. Art Unit 2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 April 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 August 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 - Certified copies of the priority documents have been received in Application No. _____.
 - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by anticipated by Angle et al. (US Patent 6,771,596)

As per claim 1, Angle discloses a packet switch, comprising:

- N input buffer sections, provided for respective N input lines(fig.2, 107), for storing unicast packets and multicast packets input through corresponding input lines; (col.5, lines 30-50), (col.6, lines 37-51)
- a switch section(fig.2, 120) for outputting a unicast packet to any of M output lines to which the unicast packet is transmitted when the unicast packet is input from each of the N input buffer sections, and outputting the multicast packet to a plurality of M output lines to which the multicast packet is to be transmitted when the multicast packet is input; (col.6, lines 37-51)

- and a scheduler section for selecting the unicast packet or the multicast packet to be output from each of said N input buffers such that the input lines and the output lines cannot conflict each other for the unicast packet, and such that the input lines cannot conflict each other for the multicast packet. (col.5, lines 1-10), (col.16, lines 42-62)

As per claim 2, Angle discloses wherein said switch section comprises:

- a first storage section for storing the unicast packet corresponding to each of the M output lines; (col.4, lines 39-61)
- and a second storage section for storing the multicast packet corresponding to each of the N input lines. (col.4, lines 39-61)

As per claim 3, Angle discloses wherein priority control is performed by dividing for each quality of service said input buffer sections and at least one of the first storage section and the second storage section of said switch section. (col.17, line 53-col.18, 17)

As per claim 4, Angle discloses wherein said unicast packet or said multicast packet can be stopped to enter said switch section from said input buffer section by issuing a congestion notification from the switch section to at least one of the input buffer section and the scheduler section when said first storage section or second storage section enters a congestion state. (col.7, lines 7-36)

As per claim 5, Angle discloses wherein said scheduler section can

reserve a timing at which a packet other than the multicast packet cannot be transmitted through a plurality of destination output lines of the multicast packets, when the multicast packet is inputted from said input buffer section to said switch section. (col.6, lines 4-36)

As per claim 6, Angle discloses wherein: a plurality of switch sections are provided;

- one of said switch sections receives a part of a divided unicast packet or multicast packet input through the input line and divided into plural sections; (col.16, lines 42-62), (col.6, lines 40-51)
- and said plurality of switch sections concurrently transfer plural pieces of divided data corresponding a packet. (col.4, lines 52-61), (col.7, lines 51-67)

As per claim 7, Angle discloses wherein:

- a plurality of switch sections are provided, one of said switch sections receives a unicast packet or a multicast packet input through the input line in plural unit times; (col.6, lines 4-36)
- and said plurality of switch sections concurrently transfer different packets. (col.4, lines 52-61)

As per claim 8, Angle discloses wherein:

- a plural packets forms a frame; (col.6, lines 31-51, wherein length packets fragmented fixed length inherently implies a frame)
- each of the plural packets is assigned a first sequence number for identification of an order of the frame, and a second sequence

number for identification of an order of the packet in the frame;

(col.7, lines 37-67)

- and said packet switch further comprises a frame assembly section for rearranging the packets in the frame based on the second sequence numbers, and rearranging the frames based on the first sequence numbers in the output lines. (col.5, lines 11-17)

As per claim 9, Angle discloses wherein:

- a plural packets forms a frame; (col.4, lines 31-51, wherein length packets fragmented fixed length inherently implies a frame)
- each of the plural packets is assigned a first sequence number for identification of an order of the frame, and a second sequence number for identification of an order of the packet in the frame;
(col.7, lines 37-67)
- and a corresponding switch section is instructed to stop transferring operations of packets when a number of frames being rearranged reaches a predetermined value when the packets are rearranged based on the first and second sequence numbers in the output lines. (col.7, lines 7-67)

As per claim 10, Angle discloses wherein:

- an IP packet having a variable length is formed by said plurality of packets; (col.4, lines 39-51)

- and a packet belonging to the same flow is input to the same switch section based on a flow identification of the IP packet in the input lines. (col.7, lines 51-67)

Response to Amendment

3. Applicant's amendment filed on 4/5/05 have been fully considered but does not place the application in condition for allowance.

a. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., scheduling process for multicast packets in which only the input lines are constrained from conflicting during a scheduling cycle) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As per claim 1 recited a scheduler section for selecting the unicast packet or the multicast packet to be output from each of said N input buffers such that the input lines and the output lines cannot conflict each other for the multicast packet. As Angle notes at 5, lines 1-61, discloses configuration manager 110 is responsible for determining a conflict-free matching of ports each time slot. The scheduling decisions based on the inputs. The manager 110 employs a novel mechanism to combine multicast and unicast scheduling cycles which allows variable rate multicast servicing to be achieved. Furthermore, Angle discloses the selecting multicast and unicast via independent multicast and unicat schedulers. Thus, the

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prior art teaches the invention as claimed and the claims do not distinguish over the prior art as applied.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. *Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Huynh whose telephone number is (571)272-3635 or via e-mail addressed to [kim.huynh3@uspto.gov]. The examiner can normally be reached on M-F 9.00AM-6:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached at (571)272-3632 or via e-mail addressed to [mark.Rinehart@uspto.gov].*

The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9306 for regular communications and After Final communications.

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*Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is (571)272-2100.*

Kim Huynh

June 5, 2005



**TIM VO
PRIMARY EXAMINER**